

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

ANDREW CHIEN,

Plaintiff,

v.

FUTURE FINTECH GROUP INC.,
HONGKE XUE, AND BARRON CAPITAL
ADVISORS, LLC,

Defendants.

Civil Action No.
3:17 - CV - 1654 (CSH)

MARCH 24, 2021

RULING ON PLAINTIFF’S MOTION FOR RELIEF [Doc. 83]

HAIGHT, Senior District Judge:

Andrew Chien, a *pro se* Plaintiff, has purported to file a motion [Doc. 83] for relief from three prior Rulings of this Court, dated respectively August 31, 2018 [Doc. 68], reported at 2018 WL 4188447; September 28, 2018 [Doc. 73], reported at 2018 WL 4688304; and May 3, 2019 [Doc. 80].

Plaintiff’s present motion is said to be based upon Rule 60(d)(1) and (d)(3) of the Federal Rules of Civil Procedure. According to its caption, Rule 60 governs federal district court practice when a party seeks “Relief From a Judgment or Order.”

In the case at bar, the three District Court orders from which Plaintiff seeks relief had the combined effect of dismissing Plaintiff’s complaint in an action against several Defendants. The claims in that action arose out of a contract between Chinese companies and a Chinese court judgment concerning that contract. Plaintiff appealed. The Second Circuit affirmed this Court’s dismissal of Plaintiff’s complaint. *See Chien v. Future Fintech Grp. Inc.*, 801 F. App’x 5, 7 (2d Cir.

2020).

Given those circumstances, Rule 60 does not operate to confer any ground for relief upon this Plaintiff. This Court's order of dismissal included a direction to the Clerk to close the case. That order became absolute when the Court of Appeals affirmed the dismissal. Procedurally, there is no action pending in this Court in which Plaintiff may assert a Rule 60 motion. Substantively, Plaintiff's present motion, whose claims arise out of the same nexus of facts as the prior litigation, is precluded by the Second Circuit's decision.

For these reasons, Plaintiff's "Motion for Relief" [Doc. 83] is DENIED.

It is SO ORDERED.

Dated: New Haven, Connecticut
March 24, 2021

/s/Charles S. Haight, Jr.
CHARLES S. HAIGHT, JR.
Senior United States District Judge